IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

(3) dist

Single Bench

CIVIL REVISION No. 248 OF 2003

PETITIONER
PLAINTIFF

Vallabhdas Kukreja, aged about 63 S/o Mulomal, resident of Camp No. 2, Link Road and Santrabadi, Durg, Tehsil and Dist. Durg (Chhattisgarh)

Versus

RESPONDENT
DEFENDANTS

1. Saiyed Babu Miyan, alias Babu Mistri, S/o Saiyed Jafar, Link Road, Camp No. 2, Bhilai, Tehsil and District Durg (Chhattisgarh)

2. State of Chhattisgarh through the Collector, Durg (Chhattisgarh)

3. Saiyed Ismail, S/o Not Known

4. Jaibun Nisha, W/o Saiyed Ismail

No. 3 & 4 both residents of Shyamnagar, Camp-2, Bhilai, Tehsil and District Durg (Chhattisgarh)

P. R. No. 1055/03
Presented by Shri S.R.T. Jaiswal
dated 21.05.03

MEMO OF CIVIL REVISION UNDER SECTION 115 OF CODE OF CIVIL PROCEDURE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(39)

आदेश पत्रक

मामला क्रमांक C.R. 248/03 **सन्** ~~200~~

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11/3/2005

Shri H.S.Patel, counsel for the applicant.

The applicant has preferred this revision petition against the impugned order dated 01/02/2003 passed by Additional District Judge, Durg in Civil Suit No. 5-A/2002 by which the application preferred by the defendants under Order 7 Rule 11 of the CPC is allowed and the suit has been dismissed recording a finding that the Court has no jurisdiction to hear the suit.

Learned counsel for the applicant however, seeks to withdraw this petition with liberty to avail appropriate remedy available under the law as the revision is not maintainable in view of the proviso to Section 115 of the CPC and the judgment of the Apex Court in the matter of **Surya Devi Rai Vs. Ram Chander Rai and others reported in (2003) Vol. 6, SCC 675** as well as in the matter of **Shiv Shakti Coop. Housing Society, Nagpur Vs. Swaraj Developers and others reported in (2003) 6 SCC 659.**

The Civil Revision is dismissed as withdrawn with liberty as prayed above.

Learned counsel for the applicant also prays that the certified copy of order annexed with the revision petition be returned on applicant furnishing attested photocopy of the same.

Office is directed to return the certified copy of the impugned order annexed with the revision petition to the counsel for the applicants on his furnishing attested photocopy of the same.

Sd/-
Dhirendra Mishra
Judge

J/O

(पीछे देखिये)

24.05